

Congress of the United States
Washington, DC 20515

April 20, 2021

Lieutenant General Scott Spellmon
Chief of Engineers, U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

Dear Lieutenant General Spellmon,

We write today as the U.S. Army Corps of Engineers (USACE) develops implementation guidance for provisions included in the *Water Resources Development Act (WRDA) of 2020*.¹ *WRDA 2020* is a critical piece of legislation for states like Missouri, Iowa, Kansas, and Nebraska, which are highly dependent upon USACE administered programs for flood control and navigation.

As you work to finalize implementation guidance policies for the provisions in Section 216(a), Additional Studies for the Lower Missouri River Basin,² we wanted to provide some context about the impetus of these provisions and Congressional intent. These provisions are a priority that we championed for inclusion in *WRDA 2020*. It is vital these provisions are implemented correctly for key constituencies that we represent in the Lower Missouri River Basin, including farmers, navigators, small businesses, and communities, all of whom are dependent on and impacted by the USACE's management of the Lower Missouri River.

We have no doubt that you are aware that the need for these provisions was in direct response to historic flooding in 2019 that caused hundreds of levee breaches along the Lower Missouri River system in Missouri, Iowa, Kansas, and Nebraska. This unprecedented flooding event damaged and devastated farmland, critical highway and railroad infrastructure, and communities resulting in devastation to the region's economy throughout the Lower Missouri River Basin.

The inclusion of these provisions sends a clear signal that Congress not only recognizes the importance of the Lower Missouri River Basin but also that the USACE needs to change how it fundamentally manages the river and work in a manner to restore the lower Missouri River

¹ Pub. L. No. 116-260, Division AA.

² *Id.* at Sec. 216(a).

system which is breached and ensure it can withstand any futures flooding events. In an effort to accomplish this, it is imperative that the USACE prioritize the management of this portion of the river system consistently within all ranks of the agency at the District, Division, and Headquarter levels.

Additionally, in light of the catastrophic flooding events from 2019, the USACE should prioritize flood control in the Lower Missouri River Basin and devote additional programmatic resources for this purpose as future budgets are developed. Congress provided resources in Fiscal Year 2020 Energy & Water appropriations for a new start investigation study for the Lower Missouri River which was also included in the corresponding USACE Fiscal Year 2020 work plan – the Lower Missouri River Basin Flood Risk and Resiliency Study, IA, KS, NE, and MO. The four lower basin states and partners have been working collectively on this and are eagerly awaiting the commencement of this study. With the momentum currently underway in the lower basin, it is our expectation that the USACE will utilize that sentiment and view the *WRDA 2020* Lower Missouri River provisions as an opportunity to build upon these steps and work collaboratively with relevant stakeholders. We expect the USACE to immediately utilize the authorities included in the provisions to its fullest capability to seamlessly and expeditiously advance water resources development projects, reduce flood risk, and improve flood control along this stretch of the river.

Congress provided new authorities that are applicable to this portion of the Lower Missouri River Basin, which are intended to supplement current administrative policies and provide additional flexibilities to the agency. Specifically, the language in the provisions that relate to the additional studies which are deemed as continuations of the ongoing Lower Missouri River Basin Flood Risk and Resiliency Study, the exemptions from maximum study cost and duration requirements, and the direct preconstruction, engineering, and design planning flexibilities allowed after completion of respective studies. We highlight these unique abilities so that the USACE incorporates these aspects into the implementation guidance, which we believe will help advance flood control work on the ground.

Implementation guidance will enable the USACE to conduct important systemic planning simultaneously with studies focused on implementation of solutions where it makes sense, and where local partners are ready to move forward. That way, the USACE can expedite critical solutions for this heavily flood prone river while also being guided by comprehensive planning considerations and objectives. The Lower Missouri River Basin has many flood control projects that are ready and able to move forward today and would benefit greatly from the flexibilities provided. We urge the USACE to develop implementation guidance that allows this critical flood control work to begin immediately and without significant delay.

On behalf of the navigators, industries, farmers, and small businesses that rely upon the Missouri River to conduct their businesses, we would appreciate your consideration and look forward to working with you in an effort to ensure implementation guidance is consistent with Congressional intent. In light of the ongoing challenges facing flood control in the Lower Missouri River Basin, we urge the USACE to apply these flexibilities to its current processes and advance implementation guidance for these provisions as quickly as possible.

Sincere regards,



Roy Blunt
United States Senator



Sam Graves
Member of Congress



Chuck Grassley
United States Senator



Emanuel Cleaver, II
Member of Congress



Deb Fischer
United States Senator



Blaine Luetkemeyer
Member of Congress



Roger Marshall, M.D.
United States Senator



Adrian Smith
Member of Congress




Joni K. Ernst
United States Senator



Vicky Hartzler
Member of Congress



Josh Hawley
United States Senator



Ann Wagner
Member of Congress



Jerry Moran
United States Senator



Jake LaTurner
Member of Congress



Cindy Axne
Member of Congress



Billy Long
Member of Congress



Jason Smith
Member of Congress



Sharice L. Davids
Member of Congress

cc: Mr. Taylor N. Ferrell
Acting Assistant Secretary of the Army, Civil Works, USACE

Brigadier General D. Peter Helmlinger
Northwestern Division Commander, USACE

Colonel William Hannan, Jr.
Commander and District Engineer, Kansas City District, USACE

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